



U.S. Department  
of Transportation

East Building, PHH-30  
1200 New Jersey Avenue, S.E.  
Washington, D.C. 20590

**Pipeline and Hazardous  
Materials Safety Administration**

August 18, 2011

To Active Grantees of Special Permit 9275:

The Pipeline and Hazardous Materials Safety Administration (PHMSA) recently re-evaluated DOT-SP 9275 and found it does not provide a level of safety at least equivalent to the Hazardous Materials Regulations due to the lack of hazard communication markings. On June 15, PHMSA issued a show cause letter proposing to modify DOT-SP 9275 by adding paragraph 7.d. to require that the outer packagings be marked with the following hazard communication information:

- Company name
- Contains Ethyl Alcohol

PHMSA's primary goal is to ensure the safe transportation of hazardous materials, including the elimination of undeclared shipments of hazardous materials. DOT-SP 9275 currently authorizes undeclared shipments of hazardous materials as defined in 49 CFR 171.8. The special permit also authorizes transportation by cargo and passenger carrying aircraft. Certain air carriers are by choice "Will Not Carry". These carriers have chosen not to accept hazardous materials for transportation and their employees are not trained in the Hazardous Materials Regulations. Due to the lack of package markings, these "Will Not Carry" air carriers could not identify shipments made under DOT-SP 9275 as hazardous materials.

PHMSA received 12 responses to the show cause letter. Evaluation of the responses revealed that none addressed the primary safety concern of undeclared shipments, i.e., authorization of hazardous materials shipments with no indication that hazardous materials are present in the package, thus preventing carriers and emergency responders from knowing that hazardous materials are present and responding appropriately in case of an incident.

In the responses, there was an indication that the special permit has been used for many years with few reported incidents. PHMSA agrees with the comment but also notes that although the special permit does not exempt a person from the reporting requirements for hazardous materials incidents, due to the lack of hazardous materials communication markings, the number of reported incidents may not accurately represent the number of actual incidents.

Tracking Number: 2011040520

The responses to our show cause letter did not provide adequate information to demonstrate an equivalent level of safety. Attached, please find the latest revision of DOT-SP 9275. The effective date of the new marking requirements is September 1, 2012, so companies transporting hazardous materials under the special permit have time to ensure each package is compliant.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. El-Sibaie', with a stylized flourish at the end.

Dr. Magdy El-Sibaie  
Associate Administrator for Hazardous Materials Safety

August 18, 2011



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DOT-SP 9275  
(THIRTEENTH REVISION)

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
  - a. This special permit authorizes the transportation in commerce of certain limited quantities of liquids and solids containing ethyl alcohol and exempts these shipments from the provisions of 49 CFR except as provided herein. The most recent revision supersedes all previous revisions.
  - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce.
  - c. Unless otherwise stated herein, this special permit consists of the special permit authorization letter issued to the grantee together with this document.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR Parts 171-180, except as specified in this special permit.
5. BASIS: This special permit is based on the Pipeline and Hazardous Materials Safety Administration's (PHMSA) editorial review under § 107.121 initiated on February 11, 2009.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
No DOT Shipping name required (Beverages, foods, cosmetics and medicines, medical screening solutions, and concentrates used therein containing ethyl alcohol classed as a flammable liquid or as solids containing a flammable liquid.)	N/A	N/A	N/A

7. PACKAGING AND SAFETY CONTROL MEASURES:

Packagings prescribed are strong, outer packagings which meet the requirements of § 173.24. In addition, the special permit grantee must ensure that the inner packagings of combination packagings are packed, secured, and cushioned to prevent breakage, leakage and movement during conditions normally incident to transportation. Cushioning material must not be capable of reacting dangerously with the contents of the inner packagings or having its protective properties significantly weakening in the event of the leakage. The following restrictions apply:

- a. Liquids containing not more than 70% by volume ethyl alcohol may be packaged in non-glass inner packagings not exceeding one gallon capacity. Solids containing not more than 70% by weight ethyl alcohol may be packaged in non-glass inner packagings not exceeding 8 pounds capacity. Glass inner packagings not exceeding 16 fluid ounces for flammable liquids or one pound for solids containing flammable liquids are also authorized.
- b. Liquids containing more than 70% ethyl alcohol by volume may be packaged in inner packagings not exceeding 8 fluid ounces. Solids containing more than 70% ethyl alcohol by weight may not be packaged in inner packagings exceeding ½ pound in weight.

- c. The net liquid contents of all inner packagings in any single outer packaging may not exceed 192 fluid ounces. The net solid contents of all inner packagings in any single outer packaging may not exceed 32 pounds. The gross weight of any single outer package shipped under this special permit may not exceed 65 pounds.
- d. Marking. After September 1, 2012, the outer packagings must be clearly marked with the following mandatory information:
  - (1) Company name
  - (2) Contains ethyl alcohol
  - (3) The markings must be durable, legible, and placed in a location and of such a size relative to the packaging as to be readily visible. The marking shall be displayed on a background of contrasting color on the external surface of the package and not located with other package markings that could substantially reduce their effectiveness.

8. SPECIAL PROVISIONS:

- a. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modifications or changes are made to the package and it is reoffered for transportation in conformance with this Special Permit and the HMR.
- b. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.
- c. An ethyl alcohol solution shipped under this special permit may contain other hazardous materials provided the solution, absent the ethyl alcohol, is not subject to 49 CFR.
- d. This special permit does not apply to flammable liquids or solids containing flammable liquids carried in personal baggage aboard aircraft, (§ 175.85(a)).

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle, rail freight, cargo vessel, cargo only aircraft, and passenger-carrying aircraft.

10. MODAL REQUIREMENTS:

- a. Copies of this special permit or special permit authorization letter are not required to accompany the package or shipment.
- b. For transportation by passenger and cargo aircraft, no outer package may be transported under the terms of this special permit which contains an inner packaging exceeding:
  - (1) 16 fluid ounces of flammable liquid, or
  - (2) 1 pound of solids containing flammable liquid.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this Special Permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when the special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) - "The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous

materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 Immediate notice of certain hazardous materials incidents, and 171.16 Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



Dr. Magdy El-Sibaie  
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at [http://hazmat.dot.gov/sp\\_app/special\\_permits/spec\\_perm\\_index.htm](http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm) Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

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